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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,429	02/11/2004	Paul A. Furze	B03-74	2881

7590

08/23/2005

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EXAMINER

RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,429

Applicant(s)

FURZE ET AL.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 1,3,7,11-17,23-30 is/are rejected.
- 7) ☐ Claim(s) 2,4-6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-11-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claims 16,17,23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 16, what does "indistinct" refer to in the written specification? (Note that the word does not appear in the specification.)

Claim 17 depends upon itself. What claim should claim 17 depend on, if any?

As to claim 23, what does the "first indicium" correspond to in the written description/drawing, in contrast to the "second indicium" and "two indicia". Presently, the "second indicium" appears to correspond to element 110, and the "two indicia" appear to correspond to elements 130, 140. What does the "first" correspond to?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,7,11,12,13,14,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kupersmit.

Kupersmit teaches a method of changing the viewing field angle (col. 3, lines 15-20) (i.e. calibrating a camera), comprising: providing a "reference vehicle" (col. 2, line 63) that includes features with "known" (col. 2, line 66) dimensions, the vehicle naturally including rotation about a plurality of elements; making an image ("images" on col. 2, line 64) with the camera; "comparing" (col. 3, line 10) "apparent" (col. 3, line 11) (i.e.

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measured) dimensions of the image with the “actual” (col. 3, line 11) dimension; and changing the viewing angle accordingly (col. 3, lines 15-20) based upon the comparison (i.e. adjusting).

As to claim 1,3,7,13, Kupersmit does not state that the “actual” (i.e. “known” (col. 2, line 63)) dimensions are obtained from a (predetermined) image, but as Kupersmit measures dimensions with a camera, it may be inferred that the dimensions are obtained by use of a camera for measuring. In the alternative, it would have been obvious to obtain the measurements with a camera as cameras are instruments that readily provide for accurate dimension measurements.

As to claim 11, the dimensions are linear, and inherently present lines.

As to claim 12, measurements via cameras present displays of measurements.

As to claims 14,15,16, the adjustment is carried out in Kupersmit's computer.

Claims 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al.

Ko et al teach (Figure 6) a calibration object that includes an axis of rotation, first indicia 32, second indicia 320 and two additional indicia 320.

As the claim is directed to a “calibration object”, the claim is limited to what the structure of what that calibration object is, and not what it is to be used for. As a result, the reference teaches all of the claimed structure. While the claims include various uses for the claim's structure, uses are not part of the structure, and thus are not part of the apparatus.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradski et al teach a calibration object 30, including: an axis of rotation (see both imaging at "different angles" (col. 4, line 9) and "waved around" (col. 4, line 6), many indicia lines (see the checkerboard lines in Figure 2) that are a known distance apart. However, Bradski does not clearly indicate an indicium that designates the axis of rotation (as called for in claim 23), and does not make reference to a "scale factor" (as called for in claim 23).

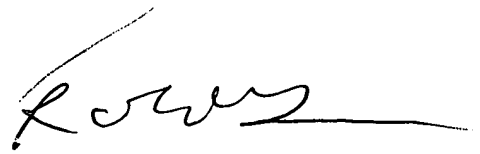
Okino teaches use of a calibration mask state 16 having marks 4A,4B,4C,4D that are a "set distances there between" (col. 4, line 24), that serves to ultimately produce a "reduction factor" (col. 4, line 33) to change the image placement based upon the data. However, Okino does not employ the marks to adjust a detector to adjust/calibrate a detector (as called for in Applicant's claims 1 or 18), or apply the reduction factor to images of other objects rotated (as called for in Applicant's claim 31).

Claims 2,4-6,8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 6:30am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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